

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JOHN J. DIAMONT, JR.

Defendant.

CRIMINAL NO. 05-10154-MLW

**DEFENDANT'S MOTION FOR PRE-TRIAL SUBPOENAS**

Pursuant to Federal Rule of Criminal Procedure 17(c), defendant John Diamont moves for a pre-trial return date for certain third-party subpoenas duces tecum. In particular, Mr. Diamont requests a return date of October 31, 2005. In support of this motion, Mr. Diamont states,

1. As set forth more fully in the accompanying Memorandum, Rule 17(c) authorizes pre-trial subpoenas duces tecum, and this case, due to the quantity and complexity of the documents involved, is appropriate for the authorization of a pre-trial return date.
2. The government has no standing to object to the requested subpoenas.
3. In addition to ordering a pre-trial return date, Mr. Diamont also asks the Court to order that the subpoenas, and any documents obtained in response thereto, be kept confidential and revealed to the government only to the extent that Mr. Diamont decides to use them as trial exhibits in his case-in-chief.

WHEREFORE, Mr. Diamont respectfully requests that the Court allow him to issue the requested subpoenas duces tecum with a return date of October 31, 2005 and that the Court order the confidentiality of both his requested subpoenas and the documents obtained in response thereto.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen  
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August 22, 2005

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion.

/s/ Lauren M. Papenhausen

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